IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.471 OF 2004

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

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Mr.P.R.Arjunwadkar for the Applicant
Ms M.M.Deshmukh,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 7,2005.

P.C.:

1. Heard Shri Arjunwadkar appearing for the Petitioner. By this Petition under Article 227 of Constitution of India the challenge is to the order passed by the learned Magistrate granting monthly maintenance of Rs.1400/- to the Respondent No.1-wife. The order of learned Magistrate has been confirmed in Revision by the learned Additional Sessions Judge.

2. Shri Arjunwadkar submitted that the learned Magistrate has recorded a finding that the Respondent No.1 will have to undertake travelling from her village to the place of her brother and other family members at Bombay and therefore higher amount was required to be awarded. He

therefore submitted that the maintenance could not have been granted on account of travelling charges.

3. The finding of the learned Magistrate is that the Petitioner is having S.T.D. booth. The learned Judge has also found that the Petitioner is holding agricultural land. The said findings based on evidence are considered by the learned Additional Sessions Judge. The learned Additional Sessions Judge has considered the evidence and has accepted the case made out by the Respondent No.1 that the Petitioner is having substantial income from the grocery shop. In this view of the matter, the learned Additional Sessions Judge held that the maintenance of Rs.1400/- p.m. is reasonable.

4. Considering the finding of fact recorded as regards the financial status of the Petitioner, no interference is called for in this Petition under Article 227 of Constitution of India. Petition is therefore rejected.

JUDGE